

## **Minutes of the Regular Meeting Held November 19, 2001**

### **Page 1**

Minutes of the regular meeting held November 19, 2001 at 7:20 p.m. in the Council Chambers.

#### **MEMBERS PRESENT**

Mayor Ronald Drake and Council Members

Marie Lopez Rogers  
Peggy Jones  
Stephanie Karlin  
Raymond Shuey  
Betty Lynch  
Albert Carroll, Jr.

#### **ALSO PRESENT**

Scott Schrader, City Manager  
Andrew McGuire, City Attorney

#### **STATEMENT BY THE CITY CLERK**

Linda Farris, City Clerk, read the following statement regarding public appearances.

It is the policy of the Mayor and Council not to comment on items brought forth under Unscheduled Public Appearance. However, staff can be directed to report back to the Council at a future date or to schedule items raised for a future Council agenda.

#### **2) CITY MANAGER'S REPORT**

Scott Schrader, City Manager, stated that he appreciated the concern expressed by a lot of the community and by the City Council regarding the recent incident involving his daughter. He especially extended his gratitude to Avondale's Police Department and Fire Department and also to the Phoenix Fire Department for their very quick, professional response, as usual in terms of dealing with that incident. He stated that it touched home and was very much appreciated.

##### **a. Status of Social Services Division**

Mr. Schrader stated that Dan Davis, Community/Recreation Services Director, would be providing an overview of the material included in the packet. He stated that basically, there are a couple of alternatives dealing with the future of the Social Services Division of that department. He stated that staff was looking for feedback and any questions that Council might have.

Mr. Davis addressed the Council. He stated that the Social Services Department was merged with the Community/Recreation Services approximately a year ago. He stated he started with the City seven months ago and over the last few months had completed an analysis of where the staffing issues are and what types of changes might need to take place within the entire department operations.

## **Minutes of the Regular Meeting Held November 19, 2001**

### **Page 2**

Mr. Davis stated that many changes have occurred within the last few months that have had a direct impact on social service operations. He explained that two of the most significant ones dealt with staff vacancies, particularly the Division Supervisor and the Assistant Supervisor. He stated these voids had a direct impact on the ability to provide services within social services operations. Mr. Davis stated staff did a cost benefit analysis of what those impacts have had and what future direction should be taken within their operations.

Mr. Davis stated that a brief overview was provided in the report of the current functions provided within Social Services. He stated that primarily a lot of support services for the basic services are received from outside area providers for funding, including the Area Agency on Aging, Community Action Program provided through Maricopa County Human Services, and the American Red Cross through Van Transportation Services. He stated a large contribution also came from the General Fund. Mr. Davis explained that Area Agency provided nearly \$110,000 in financial support to basically provide two senior aides who operate the Cashion Senior Center and the Avondale Senior Center. He stated that there were also two cooks who provide food preparation for the nutritional lunch program, a congregate care meal program and the home delivered meal service. He stated that within that meals are also provided to the Police Department for jail meals, which is reimbursed through the General Fund.

Mr. Davis explained that another component is the Community Action Program of Maricopa County Human Services, which funded four positions with \$105,000 direct revenue provided for personnel costs associated with delivery of those services. He stated those services included utility assistance, housing assistance, rent, eviction prevention and things of that nature.

Mr. Davis stated that a variety of positions have become available to Avondale over the past years through grant opportunities. He stated that as those grants had expired the City has picked up many of those staff positions that are currently being funded from the General Fund. He explained that four of the nine positions funded from the General Fund were currently vacant.

Mr. Davis stated that operationally, the issues he would like to focus on were basic, core delivery service type areas. He stated that the areas were coordination and delivery of quality service, recruitment and retention of quality staff, improved staff performance in all service areas within social service operations, quality customer service, and community awareness of the social services provided. He stated those basic, five areas were the core of what they tried to do daily within Social Services.

Mr. Davis stated that currently they were not meeting his expectations of where services should be. He stated that he had met with Maricopa County Human Services with one of the primary focuses being CAP services. He stated that area has had an error ratio exceeding 50%, which was definitely not acceptable to either the Council's or his own standards. He stated that 50% error ratio had declined to approximately 30% within the last two months so strides were being made in the right direction and they would continue toward improvement upon those delivery of service components.

## **Minutes of the Regular Meeting Held November 19, 2001**

### **Page 3**

Mr. Davis reviewed two alternatives that might be considered. He stated the first one was the possible elimination of the CAP and the AAA components of the social services operation. He explained that might seem drastic but that under contract arrangements with Maricopa County, that could be done by providing a 60 notice without financial impacts and then Maricopa County would go out to bid for those services to a non-profit to provide these services. He stated one component expressed by Maricopa County if the City chose to go that direction was to give them both the CAP and the AAA areas. Mr. Davis stated AAA funds the vital senior programs operations within the City's centers.

Mr. Davis stated that he redirected those types of supervisory services over the last several months to Recreational Services Manager, Shawna Collins. He stated that move had flourished quite well. Mr. Davis stated that he was a little concerned that a move in that direction might be a loss to the community and a loss of control for Avondale and the ability for the City to directly provide services to the community. He stated that currently there were seven staff positions funded through the General Fund and the staffing requirements would need to be reevaluated as there are other functions provided that would still need some staffing to continue. He explained the cost savings to the General Fund would net in excess of \$100,000 and additional cost savings could be achieved in operational areas such as supplies, equipment, utilities, training and other operational components of the operation. Mr. Davis said that the change in providers could have a negative impact on the residents as the community center has been operated several years in both the Cashion and Avondale centers and the community has come to know the core services that had been provided by the City. He stated an disruption in service or a relocation of services to a third party provider would not necessarily be readily embraced by the residents and users so there would be a need to be sensitive to that if the choice was to move in that direction.

Mr. Davis explained that Alternate No. 2 was for the City to restructure Social Services and address the critical service deficiencies through staff selection, training, performance measurement and customer service initiatives. He stated that many things seen through goal setting sessions with the Council and through staff initiatives provided by Mr. Schrader could be improved upon including delivery of quality service, staff performance, and customer service and community awareness. Mr. Davis stated that if the decision was to go with Alternate No. 2 it would take a little time. He stated that strides had been made over the last couple of months but in another few months, a staff selection process was needed to select a new manager for the Social Services Division. He stated that person would then have an opportunity to select staff for the other vacancies.

Mr. Davis stated that for the past month, staff had been working on the analysis and move toward Alternate No. 2. He stated that during the void, existing staff would be called upon to provide the necessary coverage to ensure that the expected programs and services were provided. He explained that in review during the day to day operations, he did not feel that all currently funded staff positions would need to be filled. Mr. Davis stated that could be reviewed and brought back during the budget process to the Council. He stated that he could explain what was

## **Minutes of the Regular Meeting Held November 19, 2001**

### **Page 4**

needed and leave the opportunity for a redistribution of staff to better address the goals and priorities in the upcoming fiscal year.

Mr. Davis referred to the pros and cons for each alternative that were included in the packet and asked the Council for feedback or questions.

Mayor Drake stated that he was sure that Mr. Davis was looking for the big picture from the Council. He stated that the Council would not be telling him how to run his department but rather proceed with their duty to set policy. He outlined two alternatives to either eliminate the CAP and AAA programs or to continue carrying those programs and address the staffing issues and asked if that was correct.

Mr. Davis stated that he was not seeking formal action at this meeting but rather some direction concerning these alternatives and any further information that Council might need to assist in that decision.

Mayor Drake stated that he felt there was a need to continue to provide those services, in whatever manner, to the residents, whether from an outside agency or by the City. He stated there was a definite need in the community for this to be continued and how it was done should be left to staff. He stated that he would hate to think of abandoning people in need unless financially it would have to be done. He stated that if staff could find a way to do it in a better manner, still provide the services and save the City money that was the goal.

Council Member Lynch stated that prior to Mr. Davis' arrival on staff, she was 200% sure that it needed not to be run internally. She stated that she had watched the level of professionalism that he brought to the department and in walking into the department occasionally. She had seen a very different spirit among the people there. She stated when she walked in one morning a little after 8:00 a.m., the room was full and they were already working on their Christmas things. She stated that they called her over to show them to her and to talk about their plans. Council Member Lynch stated there was an entirely different spirit there and she would be willing to give staff the opportunity to move forward with the reorganization as shown in the report and moving senior services to the Recreational Services Division. She stated she thought that was a wonderful idea and opportunity because it would allow people with those backgrounds to do what they wanted to do. She stated she thought if bilingual personnel were hired the entire community of Avondale, not just certain areas, in the long run would have a win-win situation.

Council Member Shuey agreed with those comments. He stated that it was important for the City to continue to have the Senior Nutrition and the Community Action Program and also to institute the changes to the organizational charts as suggested by Mr. Davis. He stated that those changes appeared to be reasonable and certainly reduce the General Fund overhead that was associated with the program. He stated that while he realized that the Community Action Program could be done by a non-profit, his understanding was that a risk of having it done by a non-profit was that the services might not be available locally at an Avondale location. Council

## **Minutes of the Regular Meeting Held November 19, 2001**

### **Page 5**

Member Shuey stated that he would not want to see Avondale residents, particularly the poorer residents in south Avondale, have to travel to obtain those types of services that had been mentioned. He explained that a similar situation had occurred in the Town of Buckeye in that there had traditionally been a non-profit operating their Community Action Program. He stated that they just made the decision to bring that program in house to be run by the Town. He stated that in talking with that town manager they were pleased with that decision.

Councilman Carroll stated this ugly beast created by combining Social Services and Recreational Services should never have happened. He stated that with regards to getting rid of AAA and CAP that could be forgotten because that was not going to happen. He stated the people in this City have become use to those programs and depend on them and they will stay. He stated that with regards to filling the vacancies that were created, staff needed to move expeditiously to fill them with educationally qualified people needed to provide, supervise and ensure that those services were there. Councilman Carroll stated that to take people that have a degree in recreation and put them in charge of an area such as social services, which calls for a minimum of a BSW (Bachelors in Social Work) and preferably a MSW (Masters in Social Work) and say "here is the program" and that certain employees will be down graded and "you are going to take it and run it" having no knowledge of what it took to make that program functional was a wrong move on the City's part. He stated that was now being seen and hopefully that would be taken as a warning and staff would do what was needed to rectify that situation and restore the social services programs back to where they should be.

Council Member Jones stated that personally, she had no interest in transferring the programs to other agencies. She stated that she thought the City could do a better job with the residents. She stated that she suffered from some of the same ideas as Councilman Carroll. She stated the City did adjust the organizational chart and one or two people were lost and the Council was now faced with adjusting the organizational chart again. She stated that she firmly believed that new employees could adjust to the organizational chart as it was. She stated that she preferred that the programs be kept in house and that the citizens were served with the best efforts possible.

Mayor Drake addressed Mr. Davis and stated that he had done a great job and that since he had come to Avondale, the City had changed dramatically under both the leadership of both Mr. Davis and Mr. Schrader. He stated that he did not agree with some of the previous comments by Council members. He stated that he thought Mr. Davis was an excellent manager and that anyone in business that knew about management, knew that you do not necessarily need to be the one pushing the buttons but need to know how to get the buttons pushed. He stated that was what Mr. Davis was excellent at. Mayor Drake stated it seemed the Council did want to keep these services here and he did not think that any of them wanted this to leave the City if it went to another contractor so there would be no need for the citizens to travel for services. He stated the whole idea of community services was that they were inside the community. He stated the changes that Mr. Davis made could be recognized by anyone in the City. He stated the services should be done and however he could keep the services in the City that would be in the best interest of the people and the government of Avondale.

## **Minutes of the Regular Meeting Held November 19, 2001**

### **Page 6**

Vice Mayor Rogers stated that she was aware the City of Peoria has given their CAP and senior center over to a non-profit agency. She stated neither the residents nor staff liked it and it had been a nightmare for them since they did that. She stated that she would like to see the services stay there. She stated that with the new direction from staff that a reorganization is needed and can be accomplished. She stated that it needed to be professional, but most of all, provided with dignity.

Mr. Schrader commended Mr. Davis, stating it was not easy, as manager of a department, to have to state at a public meeting in front of the Council as matter of factly as he had, that there were challenges and areas that needed to be improved upon within his department. He stated that he wanted to commend Mr. Davis for getting up there and looking at the situation for what it was and for coming up with what were some good recommendations to implement to try to improve service. He stated some various challenges that were being confronted in the Social Services Division had been there for some time and went back far before the merger of that division with Recreation.

#### **3) APPROVAL OF MINUTES**

Regular meeting of October 15, 2001

Council Member Lynch moved to approve the above minutes as amended. Councilman Carroll seconded the motion. Motion carried unanimously.

#### **4) RECOGNITION ITEMS (MAYOR PRESENTATIONS)**

There were no recognition items at that time.

#### **5) UNSCHEDULED PUBLIC APPEARANCE**

There were no unscheduled public appearances at that time.

#### **6) CONSENT AGENDA**

Council Member Lynch asked that Item Nos. 6c and 6d be pulled from the consent agenda for individual consideration.

##### **a. RESOLUTIONS # 2276-01 & 2277-01 AND ORDINANCES #828-01, 829-01, 830-01, 831-01, & 832-01 ADOPTING UNIFORM CODES**

Resolutions and ordinances amending the City Code and adopting by reference the 1999 National Electrical Code, the 2000 International Mechanical Code, the 2000 International Residential Code, the 2000 International Building Code and the Avondale/MAG amendments to such codes.

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 7**

**b. REQUEST TO RESCHEDULE COUNCIL MEETING OF DECEMBER 3, 2001**

Authorization to reschedule the regular meeting of December 3, 2001 to December 10, 2001 to allow council members to attend the National League of Cities Conference.

Andrew McGuire, City Attorney, read the resolutions and ordinances for the above consent Item Nos. 6a and 6b by title. Council Member Lynch moved to adopt the ordinances and resolutions and to approve the amended consent agenda, Item Nos. 6a and 6b. Councilman Carroll seconded the motion. ROLL CALL VOTE AS FOLLOWS:

Council Member Jones	Aye
Council Member Karlin	Aye
Council Member Shuey	Aye
Council Member Lynch	Aye
Councilman Carroll	Aye
Vice Mayor Rogers	Aye
Mayor Drake	Aye

Motion carried unanimously.

**c. REALLOCATION OF COUNCIL TRAINING FUNDS**

Council direction regarding the reallocation of a portion of the general training funds in the Council's travel and training budget.

Scott Schrader, City Manager, stated that Todd Hileman, Assistant City Manager, had some updated information to present before specific questions were asked on this item.

Mr. Hileman stated that staff had reviewed the Council travel budgets one last time in regard to this issue since there had been a request to reallocate \$2,100 of the general Council travel funds. He stated that Councilman Carroll would need approximately \$300 -\$400 to go to Atlanta. He stated the Yuma travel funds have come through in addition to the costs for Atlanta. Mr. Hileman stated that staff respectfully requested that additional \$400 be added to Councilman Carroll's account based on that information.

Council Member Lynch stated that as she had said during the work session, she believed that it was Council's responsibility to set an example. She stated Council knows what their budget is. She stated that if the Council is asked to do something that is not within their budget they should say no. She stated that she too was approached with regards to something at the national level which was not going to require a lot of time but did require specific conference attendance. She said that she could not do it because the City couldn't afford it and it was not included in her budget. Council Member Lynch stated that she was sure that having been to both Yuma and the special training session that she attended in Colorado that Councilman Carroll was going to need

## **Minutes of the Regular Meeting Held November 19, 2001**

### **Page 8**

more money because when the reports came out she knew she could not afford to go to Atlanta. She stated that she used the training funds where she felt it would best benefit the City for her to have the training.

Council Member Lynch stated that what Council needed to look at is if someone asked them to do something that you can not do then you just say no. She stated that she had an even bigger concern because these same people that are already out of money were going to want to go to Washington in March. She stated everyone's terms on most committees, as she understood it from an earlier discussion with the League, came to an end in December. She explained that if people were going to Atlanta and run for new things then there would be additional requirements that they must go to Washington. Council Member Lynch stated that it is not fair to join things internationally knowing there was no funding in their budget for that and then come back saying that it was going to benefit the City and ask that those funds be provided. She stated she did not think that the City Manager or the Assistant City Manager would do that and it did not work that way in any other department of the City. She stated that everyone knew what their budget was and stayed within that budget. Council Member Lynch stated that this request would take them down to \$1900 available for any emergency and for people to go to Washington. She stated that no one forced anyone to do anything and it was not fair for some to have it when others were staying within their budget and saying "no".

Mr. Hileman stated that there was a general travel budget of \$5,000 that is subject to the entire Council's approval on an annual basis and is basically treated as a first come, first serve or spent according to a Council decision. He stated there is an additional \$2,400 left over for a balance of \$7,400 in general training funds. He stated that if Council were to approve the requests before them it would leave a balance of \$4,991 in general training amounts.

Council Member Lynch stated that she recognized that. She stated that those funds then should be spread out equally among all Council members and should not be designated here and there on a first come first served basis. She stated everyone needed to stay within their budget. She said if there are extra funds then those should be put toward other programs that are short funded in the City.

Mayor Drake asked if these Council Members who were requesting funding would be coming back in March requesting additional moneys to go to Washington even though they are already overfunded.

Vice Mayor Rogers stated that this discussion was for Atlanta and if the case is that it came before Council again in March then they could always say "no".

Mayor Drake asked if the item would be approved based on this being the last trip these three Council Members are going to take since they have exceeded their budgets or if they would be requesting again in March because that determined his decision at this meeting. He stated it was his opinion that these Council Members should not go to Atlanta if they were already



## **Minutes of the Regular Meeting Held November 19, 2001**

### **Page 9**

anticipating coming back in March to go again. He stated the Council has a responsibility, as this is taxpayer money. He stated the fund was for emergencies and asking if they are planning on going to Washington was a question for which an answer was fair to the public.

Council Member Karlin stated that she had a unique situation. She stated that she knew what her budget was and so did not attend the Yuma Conference and did not intend to go to Atlanta. She explained that unbeknownst to her, she was appointed by the Arizona League of Cities and Towns to represent the State of Arizona on the Policy Committee for Public Safety and Crime Prevention. She stated that because of that, she was to finish up the year and would have to go to Atlanta. Council Member Karlin stated she has been asked to continue on for next year and so yes, she would need moneys to go to Washington D.C. in March. She stated that she was asked to be on other committees and she deliberately said no to that one after this one came about.

Council Member Karlin stated that her budget would have been fine because she had no intention of going to Atlanta prior to this appointment. Council Member Karlin stated that this is an advantage to Avondale because this is where the City gets the money for the COPS Program. She stated that would not be a very good message to send to the Arizona League that Avondale thanked them for the appointment and the honor but Avondale can't do it. She suggested that maybe in the future the League could be approached regarding a possible fund contributed to by each city to be used by those appointed as representatives throughout the State to help offset some of the costs to the cities who are providing that representation. She stated that could not be done at this point.

Mayor Drake asked if the League has a fund for those who represent them since they are sending a delegate.

Mr. Hileman stated that he was not aware of that at this point but would check into it.

Council Member Karlin stated that she did not think they did but she was just proposing it as a possibility for the future. She stated that she had no other suggestion as to how to bypass this at this stage of the game as the trip to Atlanta is in two weeks.

Council Member Jones stated each Council Member had individual travel dollars and \$5,000 was set aside and asked if that was the fund that was to be tapped for this request. She asked if the \$4500 had been spent.

Mr. Hileman stated that of that \$4500 there was still a balance of \$2,491 for a total balance of \$7,491 in general Council training and travel funds available.

Council Member Jones stated that she did not know what was fair but in looking at that she commented that it is somewhat burdensome for Avondale to have three Council Members serving on national committees and even proposing a fourth. She stated there are five or six committees and she was not sure what the other cities around the State were doing. She stated

## **Minutes of the Regular Meeting Held November 19, 2001**

### **Page 10**

that it is certainly an honor that Avondale's Council Members are nominated and that they are prepared to serve and to take the time to do that. Council Member Jones stated something else occurred to her was that rank should have some privilege also. She explained that when visiting the United States Capitol and the State Capitol she noticed furniture was sitting in the hallway and that she had asked why it was there. She stated that she was told that senior members had advanced to new furniture and older furniture was allocated to the junior members. She stated that if these committees were looked at on a seniority basis then Council Members Carroll, Rogers and Shuey are senior members of this Council.

Councilman Carroll stated that his vote would be to inject these additional funds for this trip because he thought the City did get its money's worth from this participation. He stated that funds do have to be brought to the City. He stated that he had been asked to serve on the Steering Committee for Community Development and he would be sending e-mail asking that he be replaced because he could not afford it this year and explaining that maybe next year he would be able to save the funding necessary to serve. He stated that he had not given March any kind of thought but had just perpetually calendared it. Councilman Carroll stated that being judicious and cognizant of what is happening with public funds is certainly their fiduciary responsibility to ensure those funds are expended for needful and beneficial purposes.

Council Member Carroll explained that some may think that the Council Members go off to these conferences and to Washington D.C. on some sort of junket but he stated they go there to work, often working until after 9:00 p.m. or later. He stated the committees he served on only double or triple the amount of work at those conferences. Councilman Carroll stated that he wanted no one to look down on his City and State and ask who we are because we do not participate. He stated that he wanted to see Avondale advance and to benefit from everything possible. He stated when he leaves Avondale to attend these things he goes to work to pull everything that benefits Avondale from them. He stated that March could be dealt with later but for the trip in December these extra funds were necessary and that he would like to see them allocated. He stated that some costs had already been incurred toward this trip.

Vice Mayor Rogers stated that along with what Councilman Carroll had stated her husband also could attest to the amount of hours spent working at these conferences. She stated that she too has not been able to do any site seeing and that she has only been to Congressman Pastor and Congressman Stump's office and that is all of Washington D. C. that she has seen. She stated that they were there to decide national policy and to use Avondale as a focus and what is done there is brought back to Avondale. She stated it was an honor to sit at a national level and to bring a national organization to our area. Vice Mayor Rogers stated that had Avondale had any hotels, a national conference would have been held in Avondale. She stated they ate at the City's restaurants and did some other things in Avondale and some of those people had been back. She stated sitting at that level and making Avondale known at the national level was an honor.

Council Member Jones stated that she thought when this was discussed at budget time there was \$5000 set aside for folks serving on committees and that as long as they are within that budget

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 11**

she would move to approve this request. Council Member Shuey seconded the motion. ROLL CALL VOTE AS FOLLOWS:

Council Member Jones	Aye
Council Member Karlin	Aye
Council Member Shuey	Aye
Council Member Lynch	Nay
Councilman Carroll	Aye
Vice Mayor Rogers	Aye
Mayor Drake	Aye – with hopes that this need not be revisited in March.

Motion carried 6-1 with Council Member Lynch voting “nay.”

**d. RESOLUTION #2278-01– COMMUNITY DEVELOPMENT BLOCK GRANT**

A resolution directing staff to submit a CDBG application to the Maricopa County Community Development Department for funding in the amount of \$600,000.00 to construct sidewalks in Cashion.

Council Member Lynch stated that during the public hearing on this item the coordination of HOME funds had been discussed and she asked if that had been done.

Michael Powell, Grants Coordinator, stated that the consensus of the Council was that the City would support any non-profit efforts to go after HOME funds. He stated that the City had not received any official notification from the non-profits at this time but he did know that Habitat for Humanity was interested in applying for funds as well as Community Services of Arizona but no formal letter from the City Manager had been requested.

Council Member Lynch asked if they were aware of the deadline.

Mr. Powell stated that they were and that the deadline was December 20<sup>th</sup>.

Andrew McGuire, City Attorney, read the resolution by title. Council Member Lynch moved to adopt the resolution. Councilman Carroll seconded the motion.

Mayor Drake asked if the \$600,000 would all go for the actual construction and design.

Mr. Schrader stated that was just for the construction.

Mayor Drake stated this was exciting and was something they have wanted to do for a long time.

ROLL CALL VOTE AS FOLLOWS:

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 12**

Council Member Jones	Aye
Council Member Karlin	Aye
Council Member Shuey	Aye
Council Member Lynch	Aye
Councilman Carroll	Aye
Vice Mayor Rogers	Aye
Mayor Drake	Aye

Motion carried unanimously.

- 7) **ORDINANCE – AMENDMENT TO PERSONNEL RULES – MILITARY PAY**  
The Council considered an ordinance amending the Personnel Rules to extend military pay for employees called to active duty for Operation Enduring Freedom.

Mr. Schrader stated that at the last regular meeting, the Council had requested that staff provide additional information regarding the potential cost impacts of implementing this proposal. He explained this proposal would provide compensation to those employees who were reserves in the military and had been called out as part of Operation Enduring Freedom. He stated that the proposal would make up the difference in pay between what they were receiving in the military and what their regular salaries had been as a City employee.

Cherelene Penilla, Director of Human Resources, summarized the information for the Council. She stated that currently, there were seven employees that had been called to active duty. She stated that five were from the Police Department and two from Field Operations. She stated that staff received information from the military on their pay and housing allowance and compared it to what their salaries would be if they were still employed with the City and what it would cost over different periods of time if the City was to supplement their military pay.

Ms. Penilla stated that included in the packet was information from other cities within the metro area and what they were doing or proposing to do in these situations. She stated staff had communicated with the City of Chandler because they had started a survey of all the cities in the metro area. She stated that to date, the cities of Chandler, Mesa, Scottsdale, Tempe, and Phoenix were all supplementing pay. She stated that with the exception of Phoenix, time limits had been placed on how long it would be continued. Ms. Penilla stated that Chandler, Tempe and Mesa were going to supplement pay for a maximum of up to 24 months, Scottsdale for 3 months, and Glendale was looking at doing it for up to six months. She stated that was the latest information received.

Council Member Karlin asked if Ms. Penilla could tell them how many employees were deployed in those other cities.

## **Minutes of the Regular Meeting Held November 19, 2001**

### **Page 13**

Ms. Penilla stated that information had not been provided. She explained that one of Avondale's officers was working at Sky Harbor to fill a vacancy for a Phoenix police officer that was called up.

Council member Karlin stated that she had made some calls to various cities and talked to their personnel departments. She stated that she looked through the list that had been received for the proposed reduction in state shared revenues and found comparable cities in size to Avondale. She stated that she polled Apache Junction, Bullhead City, Lake Havasu City, Prescott, Sierra Vista and Surprise. She reviewed the information with the Council and stated that Lake Havasu City paid an amount for 30 days. She stated that after 30 days it was unpaid and no one had been deployed from their city yet.

Ms. Penilla stated that 30 days was required by law.

Council Member Karlin stated that Prescott followed federal standards and did not pay the difference. She stated that Prescott had only one employee deployed at that time. She stated that Sierra Vista paid for 30 days, had one full time and two from their police department. She stated that the reason she was bringing the other cities up was because the larger ones making up the salaries also had a larger tax base. She stated not only were they paying the difference in the salary for that employee but also further salaries and additional jobs. She stated that Avondale did not have that luxury because some very key police officers had been lost. She stated that it put the City of Avondale in an awkward position compared to the size of Phoenix and Mesa.

Council Member Karlin stated that Apache Junction also did it for 30 days but were going in the direction where the employee would be put into approved status for up to 90 days and after that would pay the difference. She stated that at that time, no one had been called to duty. She stated that Surprise did not return her call.

Bill Costello, 1801 N. 127<sup>th</sup> Drive, addressed the Council. He stated that he was a Vietnam veteran and knew the horrors and hardships of war. He stated that he thought the City needed to supplement their pay but he did not believe in paying the benefits. He stated that they were full time military personnel now. He stated that when he was overseas, he did not pay any taxes when he received his pay in Vietnam. He stated that he even received foreign duty pay, overseas pay and special combat pay. Mr. Costello stated that was the price one paid. He stated that they figured they were getting a little bit of extra money each month by being a reservist and would not have to do anything but just play soldier. He stated that with the way things had happened, they would now be real soldiers and had to pay the price. He stated that if that meant having to go to a military base to see a military doctor, that was part of the sacrifice and was not as much of a sacrifice as those people in the World Trade Center made. He stated that he thought the Council could supplement pay.

John Monize, police officer, thanked the Council for discussing the topic and stated that he wanted to speak on behalf of Officers Uptegrove, Vos, Edmonston and himself. He stated that

## **Minutes of the Regular Meeting Held November 19, 2001**

### **Page 14**

he had spoken with the officers over a period of weeks and again that evening and that the other officers could not be present because they were on duty. He stated that they were called up for home defense and there were no deployments for any of them. He stated that all four of them volunteered for overseas service as soon as they had their inbriefing and were called up. He stated that with the exception of Officer Edmonston, who was younger, all served time in Desert Storm. He stated that he had been in the Marine Corps since 1983 and had done 13 years of active service, enjoyed what he did and wanted to stay in the reserves. He stated that it was not to get a free paycheck every month because he and Officer Vos were attached to an active duty unit.

Officer Monize stated that the 944<sup>th</sup> deployed and to the best of his knowledge, went to Turkey and Italy in the past two years. He stated they earned their money and it was not playtime. He stated that he and some of the other officers were also trainers and took a great deal of training with them to the security forces squadron where they were all assigned as the government did not always train its troops as good as it could. He stated that everyone had been hit with a pretty heavy deficit as far as their pay and the numbers could speak for themselves. He stated that he was making \$41,000 per year before he left and was currently making \$29,000 without his housing benefit. He stated that was a pretty severe impact and that other reservists had been affected the same way.

Officer Monize said they were not asking the Council to “part the waters” but for help to stay afloat, nothing more, nothing less. He stated that on his current salary, he qualified not only for food stamps, but Section 8. He stated that he was getting \$368 per month from Section 8 to be able to pay his rent and that was unacceptable. He stated that he had no problem being called to serve his country again but should not have his family of five suffer for it, nor should the other officers. He stated that he agreed that everyone had to make a sacrifice but there was a little bit more to be considered.

Anita Hedrick, 12338 W. Lewis Avenue, Avondale, stated that she was real familiar with some of the hardships that a military person could have. She stated that her husband was in the military, both in Vietnam and in Desert Storm. She stated that her father was in the military and her son was currently training in the Marine Corps and that there were hardships that came along with that. She stated that perhaps plan one might be the best for the officers and the situations that they were currently in. She stated that she believed there should be some type of compensation for the difference between the military and the City pay. She stated that she thought it would help tremendously if the Council could manage to come up with some type of a plan to help them out.

Councilman Carroll stated that the action he wanted to see the Council take on the matter was to implement a plan for 24 months and then after that look at each individual case to see if it was still necessary. He stated that the reason he said if necessary was because a lot of things could happen in the military in 24 months. He stated that the guys that were playing soldier, airman, marine, or what have you, during the time they were in an active status could very easily change

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 15**

their mind. He stated, for instance, if they were on active duty and only had six years until retirement that would bring a regular paycheck every month, and they could decide they would see the City in six years when they retired.

Councilman Carroll stated that there were hardships in a lot of cases and people could second guess the Council and say that taxes were being taken and given to those folks without getting anything from it. He stated that was an incorrect statement by anyone that made it. He stated that when those guys put on their uniforms and went out there, they were giving and were answering that call and obligation to make the contribution. He stated that he for one, wanted to see the Council implement a 24 month program and discuss whether or not to allow for the build up of leave time accrued while on active duty. He stated that it was not measured in hours but in days and the Council may want to look at it extra close and decide whether to give additional vacation time or not.

Mayor Drake stated that the first example given was Officer Edmunston with a military monthly salary of \$1,653 and a \$463 dollar allotment for housing totaling \$2,116. He asked if that was also what he received when he was not on active duty.

Ms. Penilla said no.

Mayor Drake asked if she knew what his salary was when he was not on active duty.

Ms. Penilla stated that she did not know what he received when he was not on active duty.

Officer Monize stated that he received a housing allowance and that the amount was based on his salary.

Council Member Lynch stated that she too had done extensive research as Council Member Karlin had done. She stated that she did hers in the community and that she hoped it would be taken in the positive way in which it was presented. She stated that those who were close to her knew that five weeks earlier, her 20 year old nephew in the Air Force was diagnosed with cancer of the pituitary gland, the liver and bladder. She stated that he was given days to one week to live. She stated that through Air Force medical procedures, as of that last weekend, his cancer had shrunk between one quarter and one third using their doctors. She stated that he came home for Thanksgiving and would be home and treated as an outpatient. Council Member Lynch stated that was one example. She stated that in her own family, another nephew just started a small business using all his savings when he was called to active duty. She stated that when he returned, he would have no job because it was his own business that he started and he would have no savings because he used the savings to start the business.

Council Member Lynch stated that another individual had a family and no one offered him a badge or benefits other than the benefits that were being offered by the service. She stated that as she talked to people in the community, she heard about the young attorney who started a

## **Minutes of the Regular Meeting Held November 19, 2001**

### **Page 16**

business and would return to nothing. She stated that his wife was expecting a child and had a clerical job at present. She stated that they would have to get by on what the service provided. She stated that she heard about a young college graduate who had not been able to find a job and that a job was offered to him prior to September 11<sup>th</sup>, but the company that made the offer had to withdraw it. She stated that man fell back on what he had done throughout college and started a landscaping business and he was called up and would not have that business when he returned. She stated that he would not have any benefits in the meantime.

Council Member Lynch stated that unlike those people and thousands of others throughout the nation and state who were out of work, mortgage payments for those who had been called into service could not be foreclosed, mortgage rates could not be increased, and lack of rent could not force people out. She stated that the landlords had to let people continue to live there. She stated that she talked to people at Luke Air Force Base on a regular basis. Council Member Lynch stated that it was a wonderful, quality facility, which lots of places in the nation did not have nearby and it was available to those called up. She stated that many of the residents, even with jobs, had no benefits. She stated that they would take any benefit they could get and would not look down their nose on benefits that were provided to them.

Council Member Lynch stated that the \$150,000 that was being presented in the Council's packets represented three policemen to watch over the City in the absence of others. She stated that it represented the cost of one half of a traffic light which saved lives. She stated that it was one and a half times the annual non-profit budget. She stated that as the Council just heard, the City was already looking for \$80,000 and then \$213,000 for the transit budget. Council Member Lynch stated that many other people throughout the City and the nation could tell the same stories that she just told. She added that two weeks ago when the Council had that package and asked for more information, there was no doubt in her mind how she was going to vote. She stated that she was going to vote with her heart and those who listened to her question applicants for positions and talked to people knew that one of her questions always was, "Would you vote with your heart or would you vote what was best for your City?"

Council Member Jones stated, as a follow up to Council Member Karlin's comments, Avondale was placed in very good company with Gilbert, Glendale, Mesa and Scottsdale. She stated that those were all very large cities with a much larger resource base than Avondale. She asked if, when looking at monthly benefits that included retirement and social security. She asked if the police officers received some type of allowance each month for clothing.

Ms. Penilla stated that the officers received a yearly uniform allowance. She stated that the City was required by federal and state law to continue contributions to retirement. She stated that whether the officer was deployed or not the City would be keeping up with those contributions toward retirement.

Council Member Jones asked if that was included in the cost.



**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 17**

Ms. Penilla stated that she included the benefits and everything that would normally be seen such as insurance, social security, FICA and so forth.

Council Member Jones stated that the City tended to run the gauntlet as Council Member Lynch said. She stated that the Council was looking at budget cuts and would be faced with certain challenges and that personally, she had to think there was a happy medium somewhere between what Chandler and Gilbert could do and in doing nothing. She stated that was what the City could do and that she would be willing to look at six months and perhaps revisit it at that time rather than in two years. She stated that a lot of things could happen in the next two years. She stated that she knew the Police Department was involved and asked if the Fire Department was also.

Ms. Penilla said there was no one from the Fire Department but from Field Operations.

Council Member Jones stated that there were other folks and it was not just the Police Department. She stated that she simply wanted to make that comment. She stated that her personal thoughts were to strike a balance somewhere between doing everything and doing nothing. She stated that the City should try to do what it could.

Ms. Penilla stated that Kevin Artz, Director of Budget and Finance, was running some numbers on his calculator before the Council entertained the item and he mentioned that if the City pulled the plug on the benefits the cost would be lowered substantially. She stated that the City could do it for approximately one year for about \$30,000 and even go up to two years for \$60,000. She stated that did not include the retirement but the retirement was not real steep. She stated that if the Council was going to entertain something in between, she would throw that out for the Council's consideration.

Mayor Drake stated that maybe the Council could keep up the salaries but discontinue the coverage on the insurance since the officers would have access to the base.

Ms. Penilla said that was correct.

Councilman Carroll asked what would happen with the insurance they were enrolled in for that period of time. He stated if the City stopped paying those benefits, the insurance would lapse. He asked if they were not gone for an extended period of time but dis-enrolled from the health care program if they would be able to come back and be added back on right away.

Ms. Penilla said absolutely. She stated that the City also had to offer them the option of continuing insurance at their own cost. She stated that those costs were spelled out and were pretty steep at almost \$200 per month for just the employee and \$544 for a family.

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 18**

Councilman Carroll asked if they dropped out of the program they would still be covered and the City would be picking up the tab. He asked if they were dis-enrolled from the programs the City had and came off active duty would they have to pick up the costs themselves to continue.

Ms. Penilla said no. She stated that when their leave ran out, the City had the obligation, by federal law, to inform them of the availability of continuing their benefits under Cobra. She stated that if they wished to continue the benefits they had to pay for them out of their own pocket. She stated that if they chose not to continue them and came back after one year or so, the City would put them back on the system and pay for them as for any other City employee. She stated that the City would pick them up and there would not be any kind of preexisting situation or anything like that.

Councilman Carroll stated that he would like to see the City set up a 24 month program but the compensation would be based upon the amount of the time the person was gone. He stated that if they were not gone for 24 months, everything would go back to where it was before they left. He stated that if they were gone for 24 months, the Council had already taken the action and would not have to go back and revisit the item, and the program would be established and in place.

Council Member Shuey stated that he was still not sure he understood how the process would work from a coverage perspective and continued eligibility. He asked if the person who was on military leave had a dependent with a preexisting condition and their City coverage was dropped so they went to the base hospital, if that would be a preexisting condition that would come back onto their City coverage at a later date when their City coverage recommenced.

Ms. Penilla stated that the way she understood it was when they came back and were put back on the City's plan, according to federal law, they would pick up where they left off. She stated that the insurance company would not be able to say that while they were gone, that their spouse got cancer and therefore they were not going to cover the cancer. She stated that they could not do that. She stated that the City had to hold their jobs for a period of up to five years and when they came back, the City needed to have a position for them. She stated that she was hopeful that most of them would come back and be City of Avondale employees again.

Council Member Shuey stated that he wanted to go back and ask about the City's basic health coverage. He asked what options there were for basic health care in the City of Avondale.

Ms. Penilla stated that there was an HMO and it was Cigna. She stated that some of the people would be gone for two years and when they came back, depending on what was going on, the City may have something different. She stated that the City would still have to put them on the plan like any other employee as if they had never been gone.

Council Member Lynch stated that under the insurance regulatory laws the only requirement is that as long as someone had been covered by insurance continuously from the time they went off

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 19**

the City's coverage to the military benefit and then came back to the City, they were covered and had to be accepted by the insurance company.

Council Member Jones asked if Mayor Drake would like a motion.

Mayor Drake stated that Councilman Carroll had stated what he would like to see and what he thought, in light of what cities close to Avondale's size were doing with everything that was happening, and that was that six months to cover salary and health benefits was fair. He stated that he hoped that the City could get all of those men and women home before that but allow them the health insurance through 24 months, similar to what other cities were doing, with no leave accruals. He stated that the City could keep everything, the retirement and military leave benefits the same. He stated that it looked like everyone else was leaving the basic life insurance the same.

Ms. Penilla stated that some of them carried supplemental insurance and that it would be up to the employee to maintain that.

Mayor Drake stated that in his opinion that seemed to be equitable.

Councilman Carroll asked with regards to the six months, if Mayor Drake was suggesting or indicating that at six months the Council would revisit the item if necessary whether they were on active duty or not.

Mayor Drake stated that it would be a policy similar to what Tucson had, with no supplemental pay or Apache Junction, Prescott, or Sierra Vista or Gilbert and Scottsdale's three month supplemental pay. He stated that the City's policy would be that six months would be given.

Council Member Lynch asked what Mayor Drake meant by saying 24 months.

Mayor Drake stated that it seemed to allow them, as far as the health insurance was concerned, to still apply.

Ms. Penilla stated that it allowed them to pay the employee portion up to 24 months.

Council Member Lynch stated that was automatic anyway under Cobra.

Ms. Penilla stated that it was not because if someone were to go under Cobra and had family coverage, it would cost \$544 whereas, currently, it only costs \$110 per month.

Mayor Drake stated that was a big difference.

Council Member Lynch asked what was being continued for 24 months.

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 20**

Mayor Drake explained the ability to purchase health insurance for the family at the City rates and not the Cobra rates. He stated that he thought that was what some of the other cities were doing and asked if that was correct.

Council Member Lynch stated that the cities doing that were big cities and were doing that because they were going with the 24 months of pay. She stated that Chandler was going with up to 24 months of pay and 24 months of health insurance.

Mayor Drake stated that he simply threw that out there and that it was up for discussion.

Council Member Karlin stated that she understood the Department of Defense had health and dental benefits called Tri-Care. She asked if that was what was being referred to as Cobra.

Ms. Penilla stated that when talking about Cobra, she was talking about a federal law that required the City to offer what ever group plan the City had to anyone who left the City's employment for a period of up to 18 months. She stated that the employee could only be charged 102% of what the cost was. She stated that basically if the City went strictly with Cobra for the people on military leave, if they had family coverage that they wanted to continue, it would cost them \$544 per month, which was really high. She stated that if they were going to be in the military and get the military stuff, unless they had a special problem, it would cost \$198 just for them.

Council Member Lynch stated that under their military insurance they did not pay anything.

Ms. Penilla stated that under their military insurance, if they had dependents, their dependents were covered on the military's Tri-Care.

Council Member Karlin stated that they did not pay anything.

Ms. Penilla stated that she did not know if they paid anything.

Officer Monize stated that regarding the offer that was put forth regarding the salary over the benefits, none of the military members, including himself, and he had a family of five, needed the health benefit. He stated that the military would take perfectly good care of them. He stated that in his particular case, he had family members with special needs who had special doctors downtown. He stated that all he had to do was get a waiver through the Tri-Care system through the military and they could still go to see all of their own doctors. He stated that he simply saw who he needed to see, for whatever reason, as the active duty member. He stated that his dependents were still able to see all of their own doctors. He stated that was there for the members. He stated that if any City employees were saying that they were miffed because they could not see their own doctors, he agreed with several folks present, on "that's tough". He stated that he signed on, that they took care of him one way or another, and those benefits were still there. He stated that if those benefits were still there, and if it came down to saving money

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 21**

by being able to provide the salaries over the benefits, especially the medical because that was a large amount, then he would rather be able to pay his bills than pay for Cobra or \$110 per month for medical when he did not need it.

Mayor Drake asked if Officer Monize would rather have the pay than the benefits if it was one or the other.

Officer Monize said certainly, especially if that would be able to extend \$30,000 for the seven of them for a year. He stated that was a bargain.

Mayor Drake stated that he appreciated that opinion.

Council Member Jones stated that in accordance with Mr. Penilla and Mr. Artz's suggestion, she moved the City cover the members' pay for one year absent medical benefits. Council Member Lynch seconded the motion.

Council Member Karlin asked how much it was going to cost and what the bottom line on that was.

Mr. Artz stated that the total for one year would be a little over \$35,000.

Officer Monize stated that was less than his annual salary. He stated that it was his hope to return as soon as possible but if he was gone for two years, he needed to have peace of mind. He stated that the longer it carried out, the more that he had to do through family planning and reworking of his finances. He stated that as it was, he could try to survive on just military pay and not have to depend on supplemental pay. He stated that it was basically a hand out but that was what they were all looking for, just to be able to provide for their families. He stated that \$35,000 for one year for the seven of them was less than his yearly salary. He stated that he usually made \$60,000 to \$65,000 with his overtime.

Mayor Drake stated that he appreciated that input.

Mr. Artz stated that if the motion could be read to amend the ordinance to amend the personnel policy manual to reflect 12 months of pay without benefits. He stated that he would have to rework the ordinance, but the Council could certainly go from the intent and have an ordinance that reflected that for the Council's signature later.

Council Member Lynch stated it should say "without health insurance benefits" because there were some benefits that Ms. Penilla had to pay.

Ms. Penilla said that was correct and that the City had to pay retirement. She stated that the question from the Finance Director, for clarification, was if the Council wanted to include any adjustments to pay that were made across the board, and that sort of thing.

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 22**

Council Member Jones stated that she would think so.

Councilman Carroll asked what would happen if the pay was increased in the case when the person was on active duty. He asked if that person's pay when they came back to work would be adjusted to the level that it would be at had they stayed with the City all of that time.

Ms. Penilla stated that the City had to do that and was required to by federal law. She stated that they were entitled to anything they would have gotten had they not been called up.

Councilman Carroll stated that any increases that would happen while they were gone might as well be included.

Council Member Karlin asked if he meant to include that in the pay that they would be getting.

Councilman Carroll said yes. He stated that if they were on duty and got a pay raise, the City might as well include that in the supplement that the City would be paying them with the active duty pay. He stated that when they came back the pay would be raised to that level anyway.

Council Member Karlin stated that normally, in working for the federal government, if one had been gone for an amount of time, they would not get those raises in between. She stated when that person returned, they would then get back pay starting from when they came back for the salary that they had earned up to that point.

Councilman Carroll stated that if all of the civilians got a pay raise and that person happened to be TDY somewhere or were on a leave of absence, then that person would not get a pay raise.

Council Member Karlin explained not until they came back to work. She stated that when they came back to work they would get what everyone else got. She stated that they did not get anything for that time that they were not there.

Ms. Penilla stated that was correct and was what the City would be required to do. She stated that would be the federal requirement and when they came back the City would have to adjust their pay.

Mr. Schrader stated that the other distinction would be between that element of any pay increase that was truly across the board, i.e. based on some adjustment for cost of living, versus that which was tied to performance. He stated that was different.

Andrew McGuire, City Attorney, read the ordinance by title.

Council Member Lynch stated that Mr. McGuire read "leave benefits" and they were not getting leave benefits.

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 23**

Mr. McGuire stated that the ordinance before the Council would amend the Personnel Policies and Procedures Manual Benefits sections, to address what was discussed that evening. He stated that was 12 months and salary and no medical benefits, and that would be an additional section rather than the language that was proposed. He stated that the amendment was read to reflect that the ordinance would be fixed to say what was discussed that evening, and that was what would be adopted. ROLL CALL VOTE AS FOLLOWS:

Council Member Jones	Aye
Council Member Karlin	Aye
Council Member Shuey	Aye
Council Member Lynch	Aye
Councilman Carroll	Aye
Vice Mayor Rogers	Aye
Mayor Drake	Aye

Motion carried unanimously.

Mayor Drake declared a 5-minute recess. The Council reconvened at 7:55 p.m. in the same location with all members present.

**8) PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT APPOINTMENTS**

The Council filled vacancies on the Planning and Zoning Commission and the Board of Adjustment.

Mr. Schrader stated the Council interviewed five applicants interested in serving either on the Planning and Zoning Commission or the Board of Adjustment at the last regular meeting. He stated that there were three openings on the Planning and Zoning Commission including two full time positions and one alternate. He stated that there were two full time positions open for the Board of Adjustment. He stated that per Council's direction, staff went back out and contacted the applicants to make sure they understood the differences between the two boards and got an update in terms of their willingness to serve on one or either of the boards. He stated that he believed the Council had that information. He stated that the action being requested that evening was for Council to consider making a decision on those appointments.

Council Member Lynch stated that she did a little survey and simply wanted to put out to Council some thoughts. She stated that on the Planning and Zoning Commission there were currently three members from the northwest quadrant. She stated the Council had tried to keep the various boards and commissions of that type fairly city wide. She stated that there was one applicant also from the northwest quadrant that had a conflict with serving on the Planning and Zoning Commission. She stated that he was currently an alternate on the Parks and Recreation Board and preferred to go to the Board of Adjustment. She stated that the Board of Adjustment

## **Minutes of the Regular Meeting Held November 19, 2001**

### **Page 24**

already had two people from the northwest quadrant. Council Member Lynch stated that it could be looked at two ways. She stated that it could be looked at from the viewpoint of that was who applied or as said in the past, the Council could say, that it needed to be fair and spread the representation on the two boards across the City. She stated that she just wanted to point that out.

Mayor Drake asked if Mr. Schrader wanted Council members to give names of who they thought should be on the Planning and Zoning Commission, and the Board of Adjustment and which terms they should fill.

Council Member Jones stated that as Council Member Lynch mentioned, it was a little fuzzy but she would give it the best shot she could. She stated that she proposed Mr. Ochoa, Mr. Malone and Mr. Moore to be on the Planning and Zoning Commission. She stated that she proposed Mr. Taylor and Ms. Webster to be on the Board of Adjustment.

Council Member Karlin stated that she had a question regarding the policy the City had that someone needed to be resident for one year. She asked if that was in the initial City Council Policies and Procedures regarding boards and commissions or if it was something that had already been in effect.

Council Member Lynch stated that it had not been established yet.

Council Member Karlin asked if the Council was going to allow people who were already serving on the boards and commissions with less than one year to continue in that aspect.

Mr. Schrader asked if she was asking if that was going to be the Council's policy.

Council Member Karlin said yes.

Mr. Schrader stated that was up to the Council.

Council Member Karlin stated that considering it was a new appointment, there was an individual who had less than one year in the community. She asked Mr. Moore if he was present.

Candidate William Moore, Jr. was present.

Council Member Karlin asked Mr. Moore how long he had been in the community.

Mr. Moore said since July.

Council Member Karlin stated that was six months.



**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 25**

Mayor Drake stated that was an old timer.

Mr. McGuire asked if the Council could clarify Council Member Jones' comment about the Board of Adjustment.

Council Member Jones stated that it was Mr. Taylor and Ms. Webster.

Mr. McGuire explained that there was a two year and a one year term.

Council Member Jones stated that order of sequence was fine with her.

Mr. McGuire asked one and two.

Council Member Jones said yes.

Council Member Lynch asked if Mr. McGuire needed the alternate too.

Mr. McGuire stated that on the Planning and Zoning Commission he needed the alternate.

Council Member Lynch asked if it was two plus an alternate on Planning and Zoning Commission.

Council Member Jones stated that Mr. Moore had been in the community the shortest time and she would make him her choice for alternate.

Council Member Karlin stated that for the full time, three year term, she proposed Enrique Ochoa. She stated that she proposed Linda Webster for the full time, three year term and for the alternate, Mr. Moore. She stated that for the Board of Adjustment, even though Mr. Taylor had said that he preferred the Commission, he was on the Parks and Recreation Board also and that was kind of tricky there. She apologized and stated that she was not reading correctly. She stated that for the full time, three year term, she proposed Enrique Ochoa. She stated she proposed for the full time term, Mr. Malone. She stated that she proposed the alternate to be Travis Taylor. She stated that for the other two, she proposed Linda Webster and Mr. Moore.

Mayor Drake asked who she wished to serve one year and who she wished to serve two years.

Council Member Karlin stated that she would like Mr. Moore to serve two years and Linda Webster to serve one.

Council Member Shuey stated that he agreed with Council Member Karlin's rankings.

Council Member Lynch stated that she would put Linda Webster on the Planning and Zoning Commission. She stated that she would put Mr. Malone on the Planning and Zoning

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 26**

Commission and she would make Mr. Moore the alternate on the Planning and Zoning Commission. She stated that she would put Mr. Ochoa on the Board of Adjustment and even though she lived in Rancho Sante Fe, she did not feel it was fair to stack either committee, so she would like to go back. She stated that there was a list of people who applied prior to the last group who were not being considered at that time. She stated that she would like to go back to those and see if another member could be found for the Board of Adjustment and that Mr. Taylor did not want to be on the Board of Adjustment. She stated that kind of solved her quandary there.

Mr. McGuire stated that it was a two year term on the Board of Adjustment.

Council Member Lynch said for Mr. Ochoa, yes.

Councilman Carroll stated that he would take the easy way out on the item. He stated that he thought about the candidates and forgot it and then thought about it again. He stated that his recommendation would be to go with Council Member Jones' first choice and as a fall back or alternate with Council Member Karlin's recommendation.

Mayor Drake stated that he would consider Councilman Carroll's recommendation the same as Council Member Jones' recommendation.

Vice Mayor Rogers stated that for the Planning and Zoning Commission, she recommended Ms. Webster and Mr. Ochoa and for the alternate, Mr. Taylor. She stated that for the Board of Adjustment, she had Mr. Moore and Mr. Malone. She stated that she recommended Mr. Malone for one year and Mr. Moore for two.

Mayor Drake stated that he had Mr. Ochoa for the Planning and Zoning Commission and Mr. Malone on the Planning and Zoning Commission and Mr. Moore the alternate on the Planning and Zoning Commission. He stated that for the Board of Adjustment he had Mr. Taylor and Ms. Webster and had Mr. Taylor serve the two year term.

Councilman Carroll asked, with the one year recommendations, if it was so they could be moved on to the board or the commission in a more permanent position at the end of the year when they came up for reappointment and chose to accept it, then it would become three years.

Council Member Lynch stated because it was a new board it had to be done so that they would roll into it.

Councilman Carroll stated that he understood the rotation and why the term limits were set up for one, two and three years. He stated that he just wanted to know if this person or that person was for one year, if it was to get them into the position and then into a three year term rather than with the two year person.

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 27**

Mr. Schrader stated that the consensus of Council for the Planning and Zoning Commission was that the full time, three year term seats would be filled by Mr. Ochoa and Mr. Malone with the alternate as Mr. Moore. He stated that for the Board of Adjustment, Mr. Taylor would serve a one year term and Ms. Webster a two year term.

Council Member Lynch asked if she could just clarify something. She stated that in the handout she had, there was a term assigned to an alternate and she had never heard of an alternate having a term on anything.

Mr. Schrader stated that could be clarified for her.

Council Member Lynch stated that the other thing that she was consistently seeing was alternates making resolutions and seconding things. She stated that alternates were there to learn everything they could so that when there was an opening they could then go onto that board or commission and only then would they vote. She stated that they should not be voting and she was seeing it more and more as she was reading minutes of meetings that it was happening. She stated that they should not be making motions and should not be voting on things.

Mr. McGuire stated that in the final version of Council rules which should be back to the Council maybe sometime in December, he thought that procedure was set up. He stated that he believed the alternates had terms in there so they would serve for a specific period of time.

Council Member Lynch stated that she had asked once before that they not be there and she thought they were taken out of the policy. She stated that for those staff members who were working with committees, she wanted to get that process in place because it was just not correct to be doing that.

Mayor Drake asked what the policy was and if alternates were allowed to make any motions.

Vice Mayor Rogers stated that the Council did not have a policy.

Mr. McGuire stated that there was no official, adopted Council policy but he thought, in general in typical committee and commission format, one was not put in the position to vote until he had filled the position. He stated that if someone was absent that evening, the alternate did not fill the position for the absence, he filled the vacancy in the office. He stated that if there were committees or commissions that were having alternates sit in for absences rather than for vacancies, then that probably needed to be cut out and get back to having a vacancy as the only time the alternate stepped up to vote.

Council Member Jones stated that she needed to be set straight on it because it seemed like there was some difficulty with the Planning and Zoning Commission having a quorum. She stated that for that reason, an alternate was established in order to make sure there was a quorum. She

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 28**

stated that maybe her memory did not serve her correctly but that was the way she remembered it.

Mayor Drake asked from what year.

Council Member Jones stated that it was either the current year or the last year and not that long ago.

Mayor Drake asked Mr. McGuire to look into that policy and send a memo to the Council.

Mr. McGuire stated that it came up that evening and there was an alternate vote as part of the recommendation for naming the new park. He stated that they did not have a quorum and had an alternate who was there, and he believed that person took place in the voting. He stated that it was really a policy of the Council on how they wanted that treated. He stated that he thought the individual boards, absent specific policy, had taken it upon themselves to come up with their own rules and procedures.

Mayor Drake asked if anyone remembered what was put in the Council's rules.

Mr. McGuire stated that he believed it was alternates with terms and only filling vacancies but he could certainly verify that before it came back up. He stated that the other one to look at was Commission how alternates were treated in the readopted bylaws for the Planning and Zoning Commission. He stated that he could not recall how that was.

Mayor Drake asked if he would send an e-mail to the Council.

Council Member Lynch stated that while Mr. McGuire was looking at the Planning and Zoning Commission bylaws, she had a phone call the other day that said only the Mayor, according to the Planning and Zoning Commission bylaws, could appoint people to the Planning and Zoning Commission, and the caller was asking why then, the Mayor could not take people off. She stated that she did not believe that was correct and knew that the Council had to do the appointment.

Councilman Carroll stated that the Council asked a person to serve as an alternate and have had some that had graciously done so. He stated that he thought the Council needed to utilize those services and the alternate idea sprang out of the difficulties with being able to have a quorum for the Planning and Zoning Commission. He stated that he did not see why the Council could not establish a rule that would indicate in the absence of a board member when an alternate was present, because the Council had asked them to be present at every meeting, that they step in and fill that void. He stated that one day he would not be sitting up there.

Council Member Lynch stated that there were term limits.

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 29**

Councilman Carroll stated that it was not fair to have an alternate come and attend every meeting, meeting after meeting, and just sit there.

Council Member Jones stated that was why juries had alternates.

Councilman Carroll stated that in 15 minutes, an alternate could learn everything he could possibly learn. He stated that to just sit there for every meeting and wait until someone decided that they were going to resign from the board so that he could step in and become an active member of that group was not right and he would not do it.

Mayor Drake asked if that discussion could be saved for when the Council rules came back up. He stated that he needed a motion for what was just proposed.

Mr. Schrader stated that for the Planning and Zoning Commission, it was Mr. Ochoa and Mr. Malone for the three year terms and Mr. Moore was the alternate. He stated that for the Board of Adjustment, it was Mr. Taylor for a one year term and Ms. Webster for a two year term.

Council Member Jones moved to approve the item as recommended. Council Member Shuey seconded the motion. Motion carried unanimously.

Mayor Drake congratulated the appointees.

**9) ZONING REVERSION – NORTHEAST CORNER OF 10<sup>TH</sup> STREET AND RILEY DRIVE**

City Staff requested Council direction on whether to begin the zoning reversion process for the property located at the northeast corner of 10<sup>th</sup> Street and Riley Drive.

Mr. Schrader stated that there was a tract of land located at the northeast corner of 10<sup>th</sup> Street and Riley Drive. He stated that back in 1995, the Council adopted a development agreement for a project to be located on the site and it was rezoned to multi-family residential R-4 from its previous zoning designation of commerce park. He stated that particular development agreement had a clause that said that the zoning would be valid for a period of three years and subject to reversion thereafter. He stated that obviously, it was an issue that had fallen through the cracks for a number of years and should have been brought back before the Council sometime in 1998 but it was not. He stated that it had come to light currently because there had been some renewed interest in the site in terms of potential development, as indicated in the staff memorandum, ranging from an interest in housing or some form of light industrial.

Mr. Schrader stated that according to the City Attorney, the property did not, just in and of itself, automatically revert back to its prior zoning even though that time period had lapsed. He stated that the Council actually had to initiate that process, which was what was being brought before them that evening to get some policy direction, in terms of where the Council would like to go with the zoning for the site. He asked if the Council would like to see it go back to its original

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 30**

designation of commerce park or if they would like to see some other potential use that might require a different zoning designation. He asked if the Council was comfortable with the existing zoning designation which was R-4, multi-family residential. He asked Nathan Crane, Planning Manager, to point to the piece of property on the map, explaining that the site was basically located just north of Coldwater Park along the Agua Fria River area.

Mr. Schrader stated that the abutting land uses were Coldwater Park to the south, a small tract to the north leading into the Estrella Commerce Park which was over 55 acres, and to the west, there was some small scale commercial and some other housing development to the west and maybe the northwest of the site. He stated that to the south and southwest, there was some additional commercial property. He stated that he believed the issue before the Council that evening, was to give direction in terms of how they would like to see the property developed. He stated that he was happy to answer any questions.

Mr. McGuire added that he believed staff was actually looking for more broad direction. He stated that staff needed to get some feedback from the Council generally on how they felt about that area, but specifically for that one property as well.

Mayor Drake asked if there was more than this property in the City.

Mr. Schrader stated that he knew of at least one other that was located on the west side of Central Avenue that was the potential subject of a housing development that had since been withdrawn by what was the Avondale Neighborhood Services.

Mayor Drake asked if the Council should look at all of them together.

Mr. Schrader stated that he would recommend that the Council look at them separately. He stated that they all had their unique characteristics so it did not make any sense in his mind to look at them altogether. He stated that it would be overwhelming to try to put them altogether and he thought they would have to be dealt with on a case by case basis as expressions of interest came forward.

Councilman Carroll asked if this was the spot where the Girls' Town was supposedly going to go.

Mr. Schrader stated that the Girls' Town site would be located either directly adjacent to the west or maybe another lot from there but it was in the neighborhood. He stated that it was not the site of the Girls' Town.

Councilman Carroll asked if it was the health care unit that was going in there. He asked if they had disappeared too. He asked if it was called convalescent care.

## **Minutes of the Regular Meeting Held November 19, 2001**

### **Page 31**

Mr. Schrader asked Mr. Crane if he was aware if that was proposed in that vicinity or specifically for that site.

Nathan Crane, Planning Manager, stated that the only thing he was aware of with regards to the actual site plan was that part of the development agreement was for the multi-family.

Councilman Carroll stated that when Mr. Crane should be able to find them because they were after the multi-family people. He stated that should be in the file as well.

Mr. Crane stated that there had been no inquiries other than what was listed in the report.

Council Member Shuey asked, when looking at the commerce park designation, how it fit within the new designation that the City now had for commercial. He asked if it was still a commerce park designation for it to go back to and what the allowed uses were.

Mr. Crane stated that the commerce park designation was the least intensive designation in the zoning district. He stated that it allowed for office type uses in it.

Council Member Lynch stated that she wanted to see it revert back to commerce park for a couple of reasons. She stated that first, it would start to bring quality of life jobs down to that part of the City and second, she believed if she recalled correctly, that commerce park also allowed for hotels. She stated that the Council had an extensive discussion on that and hotels were very compatible with a commerce park because of the types of businesses that were there because people needed to have a place to stay when they came in to meet with people and so forth. She stated that was also included in that commerce park designation.

Mr. Crane stated that he did not recall at that time and if it was allowed, it was probably a conditional use.

Mayor Drake asked if staff needed a vote on the item or simply direction.

Mr. McGuire stated that a vote was needed to either send it back go the Planning and Zoning Commission to initiate the rezoning process to revert it back or not.

Council Member Lynch moved that the item be sent back to the Planning and Zoning Commission for reversion to commerce park. Councilman Carroll seconded the motion. Motion carried unanimously.

- 10) CHANGE ORDER 1 – BROWN TANK & STEEL CONSTRUCTION – COLDWATER SPRINGS RESERVOIR & BOOSTER STATION (PHASE I)**  
City Staff requested Council approval of Change Order 1 to the Brown Tank & Steel Construction contract for the Coldwater Springs Reservoir and Booster Station (Phase 1) in the amount of \$10,029.94.

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 32**

Mr. Schrader stated that the item was a final change order. He stated that it was for the Coldwater Springs reservoir and booster station project located on the south side of Van Buren Road just to the east of Dysart Road. He stated that as indicated in the staff memorandum there was \$20,000 plus in deducts to the original contract amount which was a little over \$600,000. He stated that there was a total of \$30,000 in add-ons as explained in the staff memorandum and the net proposed final change order was for just over \$10,000.

David Fitzhugh, City Engineer, stated that it was the final change order for that particular project and he would not be so bold as to think it was the final change order ever. He stated that it had been languishing for quite some time and was part of staff's effort to clean up some items in Engineering. He added that Brown Tank and Steel had performed excellent service for the City and was complete with their work. He stated that there were a couple of punch list items that remained but that they were effectively done out there. He stated the change order was about 2% or less of the total contract amount.

Councilman Carroll asked if the work had already started.

Mr. Fitzhugh stated that there work was done. He stated that there were a couple of punch list items and there was another project that was underway out there. He stated that staff asked them to delay one component of the contract waiting for the next work that was currently underway so that only one closure and one cut had to be done on Van Buren Street. He stated that once that was done, those guys would come back in and install a six inch pipe, which was very minor work. He stated that then they would be all done and if not done that day, it would be done in the very near future.

Councilman Carroll asked if when digging in the ground and finding that there was some property that belonged to another entity in that space, he asked if that entity was contacted to let them come out and do a visual inspection in case they wanted to replace that part that had been exposed, such as utilities.

Mr. Fitzhugh explained that they did and especially in that particular case as it was a four inch gas line. He stated that normally, if it was a one inch gas line or something smaller, the City would ask them to relocate it. He stated that a four inch gas line was a high pressure gas line and something that they were very reluctant to mess with.

Councilman Carroll stated that he agreed and that was the reason he had asked that question.

Council Member Shuey moved to approve the item as recommended. Council Member Karlin seconded the motion. Motion carried unanimously.

**11) CANVASS OF VOTES**



**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 33**

In accordance with Arizona Revised Statutes, the City Council canvassed the results of the Special General Election held November 6, 2001.

Mr. Schrader stated that the item was brought before the Council for them to officially accept the results of the November 6<sup>th</sup> Special Election, which lead to modifications and amendments to the City Charter.

Council Member Shuey moved to approve the item as recommended. Council Member Karlin seconded the motion.

Council Member Lynch asked what the over and under votes were, if it was people who voted twice or not at all on a particular item.

Linda Farris, City Clerk, stated that they might have voted yes and no.

Council Member Carroll stated that he had not been able to find it on his computer but he was sure that she put it there.

Ms. Farris stated that it was sent to him as e-mail but it was also on the web page.

Councilman Carroll stated that he looked all over but would check again when he got home. He asked if there were any significant changes between the unofficial and official counts. He stated that it did not appear so.

Ms. Farris said no.

Vice Mayor Rogers thanked the Charter Committee for the work that they did. She stated that she thought, because of them, these issues passed with flying colors and she wanted to take this opportunity to thank them.

Council Member Lynch stated that it was an outstanding job and thanked them also.

Motion carried unanimously.

**12) LIQUOR LICENSE – FOOD STAR MARKET**

The Council considered a liquor license application from George Sim, Food Star Market, 10943 West Buckeye Road, for a Series 10 Off-sale license to sell beer and wine.

Mr. Schrader stated this item was an application for a liquor license for an existing establishment, The Food Star Market, located at 10943 W. Buckeye Rd. He stated that it was for a change in the type of license currently held to a Series 10 License, which would allow for the sale of beer and wine. He stated this would be going from a Series 9 License, which allowed for

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 34**

the sale of all types of liquors as stated in technical terms, spirituous liquors. He stated that was the application before the Council and it had been reviewed by all departments and there had been no objections received.

Council Member Shuey stated that as he understood, it was for an existing establishment that could already sell a broader range of liquors and was currently voluntarily limiting it to just beer and wine. He asked if that was correct.

Ms. Farris stated that was correct.

Councilman Carroll stated that answered his question.

Council Member Karlin thanked staff, stating that she liked the format that was presented with the colored page. She stated that not only was the new map being used to designate triangles and squares and so forth but the color was quite good too.

Vice Mayor Rogers moved to approve the item as recommended. Council Member Shuey seconded the motion. Motion carried unanimously.

**13) COUNCIL SELECTION OF NAME FOR NEW COMMUNITY PARK**

The Council considered a recommendation to name the new park located at 12325 West McDowell Road.

Mr. Schrader stated that back in October, the Council adopted a policy which was brought forward by the Park and Recreation Board to establish some criteria for the naming of Parks. He stated that subsequent to that, Dan Davis, Community Recreation Services, worked with the Parks and Recreation Board and engaged an effort to solicit recommendations from the community in terms of what the new regional park facility located on McDowell Road and the proposed site of the new youth sports complex should be named.

Mr. Schrader stated that a number of suggestions were received as indicated in Mr. Davis' report. He stated that he believed 23 suggestions were received and those were listed on the last page of material that was presented to the Council. He stated that the Board, at its most recent meeting, came up with their recommendation and had forwarded that to the Council to name it the Avondale Regional Sports Complex. He stated that the ideal situation that might occur that evening was that somehow four of the Council members would agree on the name for the new park so that the City could get a nice sign up in time for the December 1<sup>st</sup> grand opening dedication ceremony. He stated that he recognized that the ideal did not always occur and could always come up with a Plan B as it related to signage to take care of that once an actual name was chosen. He stated that Council was being asked to come to a consensus in terms of a name for the new park.

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 35**

Dan Davis, Director, Community Recreation Services, stated that he had nothing to add and thought the report spoke for itself. He stated that he was happy to answer any questions anyone had about the process or the recommendation.

Council Member Jones stated that she was kind of inclined to go toward Plan B what ever that was. She stated that she did not know how to put it mildly but said that she just really did not like it. She stated that she was not real excited about anything else there either.

Councilman Carroll asked, in regard to the list of recommendations, where the names came from and who submitted them.

Mr. Davis stated that the names came from a variety of sources including community members and staff. He stated that when they came in, staff used cable TV, the web site, the local media, print, paper and had information available at the Community Services Recreation Office and the Library which was on display for a few weeks inviting residents to submit names. He stated that a variety of mechanisms were in place.

Councilman Carroll stated that in looking at all of those names, he imagined the word Kaizu was too difficult to spell or did not have a good enough definition or explanation of what it meant.

Mr. Davis stated that the name Kaizu did not come forward as a recommendation.

Councilman Carroll stated that was too bad. He stated that the City had the lanterns, which was a form of art work and the gazebo and he would have thought the City would have received at least one mention with regard to those.

Mayor Drake stated that name was also not recommended by the Recreation Advisory Board.

Council Member Karlin stated that she would move not to approve that name. Councilman Carroll seconded the motion.

Council Member Lynch stated that since the Council had changed how they were permitted to vote, she stated that she would just say that she would vote nay. She stated that the nay represented what the park connoted more than what the name connoted.

Councilman Carroll asked Council Member Lynch if her nay vote would be to not name it that or that it be named that.

Council Member Lynch stated that her nay vote would be that the Council not name it that. She stated that she frankly, did not care what the Council named it.

Councilman Carroll stated that he wanted to be sure he was not confused.

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 36**

Mayor Drake stated that Council Member Lynch's motion to say nay would be against Council Member Jones' motion. He stated that the motion was not to accept that name.

Council Member Lynch stated that she did not make a motion. She stated that what she said was that she was going to vote against the name but not because of the name.

Mayor Drake stated that he was going to be disappointed because the people of the community were asked to come up with an idea and serve on the Parks and Recreation Board and now the Council would not accept their suggestion.

Council Member Lynch stated that she would clarify it by saying that no matter what it was named, she would be voting nay.

Mayor Drake said, "Well, that's great."

Council Member Lynch stated that the Council set out to do something that they did not do.

Mayor Drake said okay.

Mayor Drake stated that he would need direction for staff on what to do once the Council did not approve that name.

Council Member Jones suggested that the Council try again in some other form or manner.

Mayor Drake stated that the Council then needed to redo the policies and procedures also for the staff.

Mr. McGuire asked Mayor Drake if he could take care of the motion on the floor.

Mayor Drake said that was what the Council was going to do first by voting aye or nay and asked for a roll call vote. ROLL CALL VOTE AS FOLLOWS:

Council Member Jones	Aye
----------------------	-----

Mr. McGuire asked if that was in favor of the name.

Mayor Drake stated that it was against the name.

Council Member Karlin	Aye
-----------------------	-----

Council Member Karlin stated that she was thoroughly confused and was giving a yes vote in that she was saying no to the name.

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 37**

Mayor Drake stated that was correct.

Council Member Shuey	Nay
Council Member Lynch	Nay
Councilman Carroll	Aye
Vice Mayor Rogers	Aye
Mayor Drake	Nay

Motion carried 4-3 with Council Member Shuey, Council Member Lynch and Mayor Drake voting nay.

Mayor Drake announced that the vote was four to three and that there was no name.

Mr. McGuire stated that staff needed some direction.

Council Member Karlin asked if Council Member Shuey was saying that he liked the name.

Council Member Shuey stated that he could live with it.

Mayor Drake asked for order.

Mr. Schrader stated that the Council had some options and could go back but there was absolutely no guarantee. He stated that staff had already gone out and done pretty much what would be done again in terms of soliciting public input so there was no guarantee there would be any different name than what was on the list. He stated that there might be more names received but no one knew if they would be more or less appealing. He stated that if Council wanted to, staff could still be directed to go out and do the same thing that they just did. He stated that staff could go back through the Parks and Recreation Board, who may not be totally enamored being asked to do that again, but so be it. He stated that the other option was to look at the names in front of the Council and see if they could come to a consensus on one of those or on some other name that was not on the list. He stated that he was not sure how much the Council would get by going back and doing the same thing and running it right back again through the Parks and Recreation Board.

Council Member Shuey stated that Council Member Karlin had asked why he voted nay and that since it was a consensus name, he did not want to prevent that name from being adopted. He stated that there were two names on the list that he preferred and that was why he voted nay. He stated that he thought "Friendship Trail Park" in some ways addressed some of the questions and concerns that Councilman Carroll had because when the idea of the park first came about it was really sort of a friendship park. He stated that it was currently being expanded to be everyone's view of what friendship would mean in terms of the park. He stated that for some people it could mean the relationship with Kaizu, Japan. He stated that for others it could mean the relationship between different parts of the community given that it was a centrally located park that would

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 38**

serve all of the neighborhoods. He stated that the other one he liked, and for lack of a better explanation, was just because it was picturesque, which was what he tended to look for in park names was "Agua Fria Vista Park." He stated that he thought one of the attributes in Avondale that was currently shown with the new logo was the Agua Fria River, stating that the beauty it provided in Avondale was something unique to Avondale. He stated that was the reason he preferred those two names: "Friendship Trail Park" or "Agua Fria Vista Park."

Mayor Drake asked Michelle Bakunowski, one of the members on the Parks and Recreation Board to address the Council.

Michelle Bakunowski, 10544 W. Flower St., Avondale, stated that she was sitting in the audience just ready to die. She stated that she guessed there were a lot of good names but she really thought with the magnitude of the park that it was very important to have the name "Avondale" in it. She stated that if the Council put "Agua Fria" out there, people would be asking where. She stated that the City needed something that would tell people "Avondale." She stated that the Council put "McDowell Park" on a park and McDowell Road went from the west side of the valley to the east side of the valley. She stated that was where her mind set was when she voted for that name. She stated that she was just sitting there "biting at the chops" and needed to say that she just thought for Avondale, that it needed to be done and that it was really important. She stated that maybe not that name but another that drove it toward Avondale. She stated that she realized it was for the community at large but again, this was one of the things that would put the City on the map and it was very important that the City have its name on that.

Council Member Karlin stated that she agreed with Council Member Shuey about the name, "Friendship Trail Park", because of the placement of the Japanese items that were gifted to the City. She stated that originally the park was called Kaizu in honor of the exchange program that the City had and also because that park was the linchpin of the west valley recreation corridor that had the beginning spot as part of Avondale. She stated that perhaps the Council could come to some kind of compromise such as the "Avondale Friendship Trail Park" or something along those lines. She stated that she thought the park should also have a name that envisioned what it was. She stated that it was close to the river and the vista. She stated that to name it as a Sports Complex especially if it was regional, implied that other cities were going to be helping to finance the activities that were going on at that particular park. She stated that was how she envisioned the word regional. She stated that she did not know if that was something what was discussed as to the part that the park would be playing.

Mayor Drake stated that he did not see the word regional meaning a financial cooperation with other municipalities. He stated that one example was the name International Airport.

Councilman Carroll stated that he could see the benefit of what Ms. Bakunowski said about the benefit of having "Avondale" in the name somewhere because it did give an identity. He asked if the funds the City received from the TSA were for a regional sports complex.

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 39**

Council Member Lynch said yes.

Councilman Carroll stated that those funds were because the City was going to be building the area up so that there could be regional use and it would be tied in with the Tres Rios and other trail systems that would be running through the City along the river bank. He stated that certainly the river was there and the Council members were all cognizant of that fact, and asked if the river could be seen from the park. He stated that he did not think so. He stated that he knew that the river was there and asked how the name "Avondale Agua Fria Regional Sports Complex" sounded.

Council Member Shuey stated that it may just be making the matter more complicated, but he stated that there were many facilities seen with the Phoenix Sky Harbor Airport where the terminals had names such as "Barry Goldwater Terminal Number Four." He asked if there was any reason why the park could not have one name and have the TSA funded sports facility with its own separate name. He stated that he appreciated the comments when he heard the name "Avondale Regional Sports Complex" he expected to drive up and see something like a football stadium or hockey arena. He stated that he would not expect to see a park. He stated that he guessed he was questioning if the Council could have both names with one for the park and a separate name for the youth soccer facility.

Mr. Schrader stated that the Council could do anything but for that purpose, staff was looking at a simplified sign to be placed in front and how it was advertised to the community and what it would be called. He stated that the Council could name buildings, fields and so forth but it would be hard to differentiate really, with separate signage to demarcate all of those playing fields in a fashion that would make sense to people. He stated that people would drive up and see the sign, the City would use one name to advertise it. He stated that it did not matter whether the people wanted to go to the Japanese monument area, walk on the trail or take their kids to play soccer or little league, the City would use one name to advertise the site.

Mayor Drake stated that Council Member Shuey had an idea about using the name, "Avondale Friendship Park." He stated that it incorporated the name "Avondale" and friendship which was part of the Kaizu program plus what friendship denoted in sports. He stated that it would put Avondale on the map and he thought it also accomplished the exchange program concept.

Council Member Jones stated that she could live with that.

Council Member Karlin stated that she could too.

Council Member Lynch that the reason she voted nay was that the park had become something that it did not start out to be. She stated that she thought Ms. Bakunowski was absolutely correct in that the park had to have the name "Avondale." She stated that it had become a regional sports complex whether the Council liked it or not and that she thought the Council needed to face up to that. She stated that, as some people in Rancho Sante Fe said that week, "Okay, so

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 40**

now we've got a regional park with all of the lights shining in our windows and two apartment complexes, thank you very much." She stated that was how it was being looked at by many people. She stated that it did not have what the people that lived in that area envisioned the park to be. She stated that one could not walk on the paths because their clothes would become stained from the red stone, which is even worse particularly when wet. She stated that there was no play equipment for young families to use other than the tumbling things. She stated that she heard about what the second phase would bring and put up with the first phase. She stated that the second phase was going to be soccer fields and would not accomplish that either. She stated that her suggestion would be to leave it be and just accept it.

Council Member Shuey moved to name it "Avondale Friendship Park." He stated that he understood what staff was saying about it being very odd to have separate names for different things but he just read an article in the paper the other day where there was an elementary school back east where their gym was going to having naming rights. He stated that if that could be done at an elementary school back east, he thought the City could have the "Regional Sports Complex at Avondale Friendship Park" and that was how it would be advertised. Council Member Jones seconded the motion.

Council Member Karlin stated that she would third it.

Mayor Drake asked if the motion was to name it "Avondale Friendship Park."

Council Member Lynch said no. She stated that it was to be named the "Regional Sports Complex at Avondale Friendship Park."

Council Member Jones stated that was not the motion.

Mayor Drake stated that the motion was that it be named the "Avondale Friendship Park."

Motion carried unanimously.

Mayor Drake thanked Ms. Bakunowski for her input.

**14) ORDINANCE – FALSE ALARMS**

The Council considered an ordinance amending the City Code Chapter 20, Police Department, by creating a new Article III, Alarm Systems, relating to charges for excessive false alarm calls to the Avondale Police Department.

Mr. Schrader stated that the item was brought before the Council at a previous Council meeting and had since been reworked. He stated that one of the central issues identified by Council and staff was that the original version was viewed as a little bit labor intensive in terms of the requirements it would impose on staff in the form of having to institute a licensing program. He stated there were also issues about how the community would react to some of the features. He



**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 41**

stated that the item had been greatly scaled down and was basically modified to a fine system based on the number of false alarms in which the fines would escalate. He stated that there was discussion at the last meeting about the needed changes to the proposed ordinance and that hopefully, by instituting that system and getting the word out through a good public education program and by fining folks, that would be enough of a deterrent to start to reduce the number of false alarms received rather than have to start off with a full blown licensing system and even talking about cutting people's alarm systems off for not responding to calls. He stated that he did not want to do that either for liability concerns. He stated that he would turn the item over to Chief MacKinnon and the City Attorney who worked on the final version of the item.

Stephen MacKinnon, Police Chief, stated that he was happy to answer any questions. He stated that if the ordinance was adopted in its present form he thought he would be prepared to go into effect by January 1<sup>st</sup> with education. He stated that he would not anticipate giving out fines until next winter or the following spring. He stated that would be a good time span for education. He stated that the warnings that would be issued for the first violations would act as the education of the fining system. He stated that the citizens would be well informed prior to actually getting their first bill.

Councilman Carroll asked about Section 20-32, regarding the charges for false alarms. He stated that paragraph A mentioned a charge for "each." He asked if it should also have each be indicated somewhere in front or in back of the dollar amounts so that if the item went out on the City Page, when people saw it they would know it would be the charge each time. He stated that they needed to know that the charge would happen rather than missing it in the paragraph and thinking that they could go five or six alarms and it would only cost \$50 when actually, it would cost \$100.

Mayor Drake explained that it was stated in Paragraph A.

Councilman Carroll stated that it was but it should also be indicated by the dollar amounts.

Mayor Drake stated that he thought that would be micromanaging and that he would give the citizens credit for being able to read through it. He stated that he would bet that by the fourth time the City was out there, they would get the message.

Councilman Carroll stated that they certainly would but when talking about giving information to the people, it was simply a matter of giving additional information and he did not see where it would hurt at all by having it indicated.

Mr. Schrader stated that he could make that change without any problems at all. He stated that he recommended that it only be put on Nos. 2 and 3 because those had multiple charges in them where No. 1 was just the fourth one.

Councilman Carroll stated that he would settle for that.

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 42**

Council Member Karlin stated that she personally did not think the fines were high enough and should be a little higher.

Mayor Drake stated that the Council could always revisit it.

Council Member Lynch stated that was going to ask that it be revisited in one year.

Mayor Drake stated that the Council said at the last meeting that if it did not work that the Council would revisit it.

Mr. Schrader stated that it would be given a trial period to measure the impact in terms of the number of false alarms.

Council Member Lynch stated that staff was going to check to see what Goodyear had done and asked what they did.

Chief MacKinnon stated that Goodyear did something very similar to what Avondale was doing. He stated that he could not recall immediately as far as their fee structure but they did do a step increased fee structure.

Council Member Lynch asked if they did a permit process.

Chief MacKinnon said no.

Andrew McGuire read the ordinance by title. Councilman Carroll moved to adopt the ordinance. Council Member Lynch seconded the motion, adding that the item be revisited in one year.

Mayor Drake stated that he did not want to add that if the Council did not have to. He stated that if it was put into the motion, the Council had to come back and revisit it.

Mr. Schrader stated that the Council could simply have a report.

Chief MacKinnon stated that he would be happy to come back and give the council an annual report at the end of next year. He stated that he could report on what the findings were and whether he saw a decrease from the past year.

Mayor Drake asked if it could be in memo form and if it needed to be addressed it could be put on the agenda.

Mr. Schrader stated that could be done if the Council was comfortable in doing that.

Mayor Drake stated that he would entertain any discussion by Council on that.

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 43**

Council Member Lynch stated that was fine but that she had been there and done that and knew what happened with the small amounts. She stated that was peanuts to a lot of people.

Mayor Drake asked the Chief to address it and Mr. Schrader to bring it to Council if it needed to be changed. He stated that he appreciated the input.

**ROLL CALL VOTE AS FOLLOWS:**

Council Member Jones	Aye
----------------------	-----

Council Member Karlin asked if Council was accepting the ordinance the way it was and not putting any amendments saying that the Council would like to look at it in one year when it would be brought back to City Council.

Mayor Drake stated that staff would supply a report.

Council Member Karlin	Aye
Council Member Shuey	Aye
Council Member Lynch	Aye
Councilman Carroll	Aye
Vice Mayor Rogers	Aye
Mayor Drake	Aye

Motion carried unanimously.

**15) TRAFFIC SIGNAL WARRANT STUDIES AND DESIGN SERVICES –  
CONTRACT AWARD – KIRKHAM-MICHAEL**

City Staff requested Council approval of a contract to Kirkham-Michael to provide professional traffic engineering services including warrant studies and traffic signal plan design necessary to provide construction bid documents for the intersection of 115<sup>th</sup> Avenue and McDowell Road in the amount of \$48,662.00.

Mr. Schrader stated that the purpose of the item was to award a contract to Perca Michael to do several things. He stated that the total contract amount was for \$48,662 from funds budgeted within the traffic signal light item. He stated that one thing that would be done was to design the proposed traffic signal to be located at the intersection of 115<sup>th</sup> Avenue and McDowell Road. He stated that once that was completed, the design would be packaged up along with the design that was already been completed for 107<sup>th</sup> Avenue and Thomas Road. He stated that those would be put together and the actual bid documents would be prepared for construction that would ensue for both of the signals. He stated that an analysis would also be done of some of the issues that were raised by the public regarding the left turn movement off 107<sup>th</sup> Avenue onto Garden Lakes

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 44**

Parkway. He stated that there was some concern about not having enough time to make that left turn.

Mr. Schrader stated that an analysis would be done to see if a protective left turn arrow was needed or whether it was a timing issue. He stated that would also be looked at. He stated that he thought it was a very timely issue and saw a letter in the paper the other day, in which a citizen was concerned that the City had not moved forward with it. He stated that as it was explained at the neighborhood budget meeting, the sign was completed for the signal at 107<sup>th</sup> Avenue and Thomas Road and the item would get the design completed for the 115<sup>th</sup> and McDowell Road signal. He stated that those would be packaged up and have combined bid documents and would be under construction pretty much at the same time. He stated that some recommendations would come back with what ever recommendations should be done with the signal at 107<sup>th</sup> Avenue and Garden Lakes Parkway.

David Fitzhugh, Engineer, stated that he would like to add a little bit of discussion about the signal at 115<sup>th</sup> Avenue and McDowell Road. He stated that at that time, he was going to propose to install an interim signal. He stated that the City had existing equipment at the yard and due to the fact that there was not sufficient right-of-way on the southeast corner, the cost to go out and acquire right-of-way and the cost to relocate an SRP irrigation district would put the City up in to the half million plus range in terms of installing the signal at it's ultimate location. He stated that he was going to go ahead and do 50% of the design on the ultimate location so as development came in, they could be shown exactly where it was that the City wanted to site those facilities so that their engineering and construction could be done to accommodate the City's future needs.

Council Member Lynch asked if the City did an interim light at 115<sup>th</sup> Avenue, and she agreed with that, as one was heading north on 115<sup>th</sup> Avenue and turning west onto McDowell, if there would be a left turn signal there.

Mr. Fitzhugh stated that would be part of the study. He stated that a recommendation would be made if it was warranted but an analysis would be done to see if a protective left turn would meet the necessary warrants for that.

Council Member Lynch stated that it really backed up there.

Mr. Fitzhugh stated that he would be sure to talk that over with the contractor when the analysis was being done to make sure someone was out there during those peak times.

Council Member Lynch stated that it was backed up sometimes all the way to I-10 if not beyond.

Councilman Carroll asked if putting the left turn signal in would be on a lagging left basis.

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 45**

Mr. Fitzhugh stated that it would be a leading left turn signal consistent with all of the other signals within the City of Avondale. He stated that if it was installed, the left turn arrow would go first.

Mayor Drake asked if Councilman Carroll's question was about how the signal should be.

Councilman Carroll stated that at the corner of Litchfield Road and Van Buren, Goodyear had a lagging left.

Mayor Drake stated that Avondale did not have those.

Councilman Carroll stated that he knew that but was asking if the City would have that type if not the other. He asked with regards toward Earl and Lakeshore what affect or benefit the City would receive from having a signal at that corner.

Mr. Fitzhugh stated that the City was not anticipating at looking at any other intersection.

Councilman Carroll stated that he was not talking in terms of signal lights but the affect that it would have on the traffic flow. He stated that the traffic would be flowing through there but yet there would be a break in the flow of traffic and he hoped it would be for the better.

Mr. Fitzhugh stated that the whole intent was to evaluate what adjustments needed to be made to that signal, whether it was a left turn arrow or simply a matter of adjusting the timing so that there was enough time in there to clear out those left turns.

Mayor Drake stated that was what the question was about on the street light at Thomas Road and 107<sup>th</sup> Avenue because the City desperately needed some type of control for traffic at 107<sup>th</sup> Avenue and Lakeshore Drive. He stated that he talked to Carlos Cabrera, Field Operations Director, about the light at 107<sup>th</sup> Avenue and he said that he was hoping that would control the 107<sup>th</sup> Avenue and Thomas Road traffic, and that was exactly what Councilman Carroll was asking, that maybe the flow could be regulated.

Mr. Fitzhugh asked if he was looking at that whole area.

Mayor Drake said that was correct and that more time was needed for people and that was what Councilman Carroll was asking.

Mr. Fitzhugh stated that would be looked at through Mr. Cabrera's people and that Councilman Carroll was talking about the progression through all of those signals so that all worked in sequence.

Mayor Drake stated that he was and that he could not get out of the subdivision sometimes. He stated that the speed limit was 35 and people were doing 50 and it could be very dangerous.

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 46**

Council Member Lynch stated that she was not sure if Mr. Fitzhugh was aware or not, but when heading east bound on McDowell to make a left turn into Rancho Sante Fe Boulevard, when heading southbound on Rancho Sante Fe Boulevard to go east bound on McDowell, that turn signal was every other time and it was very confusing.

Mr. Fitzhugh asked if it would not trigger.

Council Member Lynch stated that she immediately got a green light and the next time she pulled up there she would get an arrow and did not know which one was which. She stated that was a bad enough intersection as it was.

Mr. Fitzhugh asked if that was Rancho Sante Fe Boulevard.

Council Member Lynch stated that she was talking about both of those signals at Rancho Sante Fe Boulevard and at McDowell.

Council Member Shuey wanted some clarification relating to the McDowell Road and 115<sup>th</sup> Avenue warrant. He stated that when looking at McDowell and 115<sup>th</sup> Avenue, there was no traffic signal at I-10 and 115<sup>th</sup> Avenue. He asked if it would be the Council's responsibility to include a warrant for that or if it was ADOT's responsibility.

Mr. Fitzhugh stated that was still under the jurisdiction of ADOT at that time. He stated that he could start talking to them.

Council Member Lynch moved to approve the item as recommended. Councilman Carroll seconded the motion. Motion carried unanimously.

Mayor Drake stated that he had a card from Bill Costello on the item. He asked if Mr. Costello wished to speak to the Council on the item. He asked if Mr. Costello was against the item.

Bill Costello stated that it did not take a rocket scientist to know that an arrow was needed at 115<sup>th</sup> Avenue and McDowell.

Mayor Drake stated that the Council members were not rocket scientists and that was why they approved it.

Mr. Schrader stated that part of that cost was to do the actual technical detailed design of it and it was not to say necessarily that the signal was needed. He stated that he would agree and thought everyone would agree that it was needed but someone had to do the technical engineering design of it.

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 47**

Mr. Fitzhugh stated that it was not necessarily rocket science but there were certain nationally accepted standards and triggers that were needed from a liability standpoint and also from a safety and operation standard that needed to be met. He stated that the warrant analysis for the intersection was around \$5,000, which was what the City paid in primarily labor, traffic counts, looking at delays, turning movements, which way do the things go and it helped determine how many seconds they should leave the light on green or on red for each phase of that traffic signal. He stated that it did a lot more and that the warrant analysis was a part of it and helped establish the justification for it and should there be an accident, there better be one of those in the file because that was the first thing the attorneys would look for.

**16) DISCUSSION ITEMS**

There were no items for discussion at that time.

Mayor Drake stated that the Council would not be reconvening after the executive session and for all practical purposes the Council meeting was over.

**17) EXECUTIVE SESSION**

Council Member Shuey moved to adjourn to executive session. Council Member Lynch seconded the motion. Motion carried unanimously. 10:40 p.m.

The Council held an executive session pursuant to ARIZ. REV. STAT. § 38-431.03 (A)(7) for discussion or consultation with City representatives in order to consider its position and instruct its representatives regarding negotiations for the purchase of property for public facilities.

**ADJOURNMENT**

There being no further business to come before the Council, Council Member Carroll moved to adjourn. Council Member Karlin seconded the motion. Motion carried unanimously.

Meeting adjourned at 10:59 p.m.

---

Mayor Drake

---

Linda M. Farris, CMC  
City Clerk

**Minutes of the Regular Meeting Held November 19, 2001**  
**Page 48**

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the City Council of the City of Avondale held on the 19<sup>th</sup> day of November, 2001. I further certify that the meeting was duly called and held and that the quorum was present.

---

City Clerk